

FILED

DEC 31 2018

**Clerk, U.S. District and
Bankruptcy Courts**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EDWARD THOMAS KENNEDY,

Plaintiff,

v.

SUPREME COURT OF THE UNITED STATES, *et al.*,

Defendants.

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Civil Action No. 18-2756 (UNA)

MEMORANDUM OPINION

According to the plaintiff, the Clerk of the Supreme Court of the United States “failed to file two of [his] cases,” and he considers Chief Justice “Roberts . . . a responsible party.” Compl.

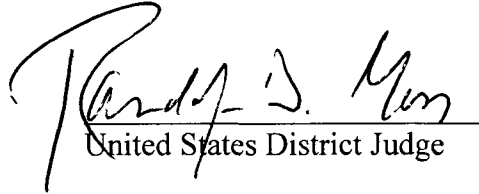
¶ 4. For the harms the plaintiff has suffered as a result, he demands monetary damages, *see id.*

¶¶ 13-14, 47-18, 56, among other relief.

The Clerk of the Supreme Court is the designated recipient of all documents filed with the Supreme Court, and is authorized to reject any filing that does not comply with the applicable rules and orders. *See* Sup. Ct. R. 1. This Court has no authority to determine what action, if any, must be taken by the Supreme Court and its administrative officers. *See In re Marin*, 956 F.2d 339, 340 (D.C. Cir.) (“We are aware of no authority for the proposition that a lower court may compel the Clerk of the Supreme Court to take any action.”), *cert. denied*, 506 U.S. 844 (1992); *Panko v. Kodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979) (“It seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action.”), *cert. denied*, 444 U.S. 1081 (1980). Furthermore, Chief Justice Roberts enjoys absolute immunity from liability for damages for acts taken in his judicial capacity, *see, e.g., Mirales v. Waco*, 502 U.S. 9 (1991), and this immunity extends to the court’s clerk, *see Roth v. King*, 449 F.3d 1272, 1287 (D.C. Cir. 2006); *Sindram v. Suda*, 986 F.2d 1459, 1461 (D.C. Cir. 1993).

The Court will grant the plaintiff's application to proceed *in forma pauperis* and will dismiss the complaint. An Order consistent with this Memorandum Opinion is issued separately.

DATE: December 30, 2018


United States District Judge